

**REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

New claims 29-31 have been added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

The disclosure of Applicant's application provides support for the amendments to the claims. For example, at least Figures 1 and 2 of Applicant's application and their associated text provide support for the amendments to the claims.

After amending the claims as set forth above, claims 16-31 are now pending in this application. Claims 20-23 have been withdrawn from consideration.

**Claim Objections**

Claims 16, 25, and 27 are objected to for containing informalities. Applicant respectfully submits that the amendments to the claims render these objections moot. Reconsideration and withdrawal of these objections is respectfully requested.

**Rejections under 35 U.S.C. § 112**

Claims 16-19 and 24-28 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. These rejections are respectfully traversed.

The Office argues on pages 2-3 of the Office Action that it is unclear whether the motor vehicle air-conditioning system is positively recited as part of the claimed invention. Applicant respectfully submits that the amendments to the claims render this rejection moot.

The Office argues on page 3 of the Office Action that claim 26 is indefinite because one cannot determine the scope of claim 26, particularly the structures of the recited housing

joint and housing-side part. Applicant respectfully disagrees. Applicant notes that the breadth of a claim is not to be equated with indefiniteness. See MPEP § 2173.04, *citing In re Miller*, 441 F.2d 689, 169 USPQ 597 (CCPA 1971). In other words, simply because a claimed feature or term is broad simply does not mean that a claim is indefinite. Here, claim 26 recites “wherein the housing has a multi-part design, with a housing joint running transversely through a housing-side part of the positioning element.” Simply because claim 26 is relatively broad in its scope and does not provide further features of the recited housing-side part of the positioning element or the recited housing joint does not make claim 26 indefinite. One of ordinary skill in the art would be able to ascertain the meaning and scope of the features of claim 26. In addition, the disclosure of Applicant’s application provides examples of a positioning element with a housing-side part (such as the side of the positioning element 7 closest to the housing 2 in Figures 1 and 2 of Applicant’s application) with a housing joint running transverse through that housing-side part of the positioning element.

The Office argues on pages 3-4 of the Office Action that claim 16 is indefinite because it omits essential structural cooperative relationships of elements. Applicant respectfully submits that the amendments to the claims render this rejection moot. Further, the Office has not provided an explanation of how such features argued by the Office on pages 3-4 of the Office are deemed essential. The disclosure of Applicant’s application does not disclose that such features are essential. See MPEP § 2172.01, which states that a “claim which omits matter disclosed to be essential to the invention as described in the specification or in other statements of record may be rejected” (emphasis added). Nor does the disclosure of Applicant’s application define such features as being essential elements. See MPEP § 2172.01, which states that “a claim which fails to interrelate essential elements of the invention as defined by applicant(s) in the specification may be rejected” (emphasis added). No such definition or disclosure of essential elements has been made.

For at least the reasons discussed above, reconsideration and withdrawal of these rejections is respectfully requested.

**Rejection under 35 U.S.C. § 103**

Claims 16-19 and 24-28 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 7,469,934 to Inaba *et al.* (hereafter “Inaba”) in view of U.S. Patent No. 3,869,153 to De Vincent *et al.* (hereafter “De Vincent”). This rejection is respectfully traversed. The Office listed U.S. Patent No. 7,496,934 on page 4 of the Office Action but the comments by the Office indicate that the Office was instead referring to U.S. Patent No. 7,469,934.

Inaba discloses a pipe joint structure that includes a connection flange 10 with through holes 13, 14 and recesses 13b, 14b for pipes 11, 12. See Inaba at col. 1, line 64, to col. 2, line 13, and Figures 1-3. However, as noted on page 5 of the Office Action, Inaba does not disclose or suggest a housing that includes projections or that the connection flange 10 includes a second set of slots, as recited in claim 16. Claims 17-19 and 24-28 depend from claim 16.

Nor does Inaba disclose or suggest a fixing device for a motor vehicle air-conditioning system including an evaporator, an expansion valve, and a plurality of lines comprising, among other things, a housing configured to house at least a part of the motor vehicle air-conditioning system, wherein the housing includes projections formed in a single piece with the housing, and a positioning element configured to position the lines relative to each other, as recited in claim 16. Inaba is silent in regard to these features.

De Vincent discloses an assembly for mounting tubes 16 to a housing 10 of a compressor or similar accessory. See De Vincent at col. 2, lines 31-49. The tubes 16 are provided with yokes 22 that are secured to the tubes 16. See De Vincent at col. 2, lines 59-68; col. 3, lines 1-11, 48-65. The yokes 22 are in turn secured to a mounting plate 24. See De Vincent at col. 2, lines 63-68; col. 3, lines 1-11, 25-41; and col. 4, lines 8-25. The yokes 22 include a base in the form of a disc 40 and a pair of legs 42. See De Vincent at col. 3, lines 25-41.

The Office argues on page 5-6 of the Office Action that discs 40 and legs 42 of the yokes 22 provide projections for the housing 10 of De Vincent. However, the yokes 22 of De

Vincent are provided as separate pieces from the housing 10 of De Vincent and are not projections that are formed as a single piece with the housing 10, as recited in claim 16. Furthermore, the yokes 22 are not projections of the housing 10 because De Vincent is silent in regard to the housing 10 having such projections and the drawings of De Vincent depict the housing 10 as having a flat surface with holes 14 for the tubes 16.

In addition, it would not have been obvious to fabricate the housing 10 of De Vincent and the yokes 22 in a single piece because such a modification would interfere with the production of the flexible, deformable legs 42 of the yokes 22, which De Vincent teaches are deformed about side edges of the mounting plate 24 to retain the tubes 16, and because De Vincent discloses that the yokes 22 are preferably made as metal stampings, separately from the housing 10. See De Vincent at col. 2, line 63, to col. 3, line 1, and col. 3, lines 25-41.

For at least the reasons discussed above, the combination of Inaba and De Vincent does not disclose or suggest all of the features of claims 16-19 and 24-28 because De Vincent does not disclose all of the features of claim 16. Reconsideration and withdrawal of this rejection is respectfully requested.

### **New Claims**

New claims 29-31 have been added and are drawn to the elected species of Figures 1 and 2. Claims 29-31 depend from claim 16 and are allowable over the prior art for at least the reasons discussed above and for their respective additional recitations.

### **Conclusion**

Applicant submits that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment,

to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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